



85

1626

Docket No. 17008-~~2~~NDIV5CON3(AP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
BurkSerial No: 10/087,867
Conf. No. 9687

Filed: February 28, 2002

For: CYCLOPENTANE(ENE)
HEPTENOIC OR HEPTANOIC ACIDS
AND DERIVATIVES THEREOF USEFUL
AS THERAPEUTIC AGENTSCommissioner for Patents
Alexandria, VA 22313-1450PATENT
RECEIVED

Group No. : 1626

JUN 12 2003

Examiner: Robert Gerstl

TECH CENTER 1600/2900

TECH CENTER 1600/2900

JUN 12 2003

RECEIVED

REPLY

Dear Sir:

In response to the Advisory Action dated mailed May 29, 2003, enclosed is the corrected Terminal Disclaimer.

Respectfully Submitted,

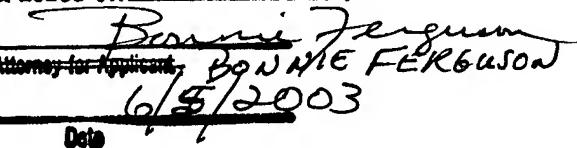

ROBERT J. BARAN

Assistant General Counsel

ALLERGAN, INC.
Legal Department (T2-7H)
2525 Dupont Drive
Irvine, CA 92612
Direct: 714-246-4669
Fax: 714-246-4249

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
IS BEING DEPOSITED WITH THE UNITED STATES
POSTAL SERVICE AS FIRST-CLASS MAIL IN AN
ENVELOPE ADDRESSED TO:
COMMISSIONER FOR PATENTS AND TRADEMARKS,
ALEXANDRIA, VA 22313-1450
WASHINGTON, D.C. 20231 ON 6/5/2003


Bonnie Ferguson
attorney for applicant, BONNIE FERGUSON
6/5/2003
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 17008-~~CON~~ DIV5CON3(AP)

PATENT

In Re Application of:
Burk

Group No. : 1626

Serial No: 10/087,867
Conf. No. 9687

Examiner: Robert Gerstl

Filed: February 28, 2002

For: CYCLOPENTANE(ENE)
HEPTENOIC OR HEPTANOIC ACIDS
AND DERIVATIVES THEREOF USEFUL
AS THERAPEUTIC AGENTS

Commissioner for Patents
Alexandria, VA 22313-1450

RECEIVED

JUN 12 2003

TECH CENTER 1600/2900

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Dear Sir:

The owner, Allergan of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 and 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,414,022. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held

unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Date: 6/4/03

By: RJ Baran
ROBERT J. BARAN
Assistant General Counsel

ALLERGAN, INC.

X Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Account No. 01-0885. A duplicate of this terminal disclaimer is enclosed.

X PTO suggested wording for terminal disclaimer was unchanged.

Please direct all correspondence to:

Robert J. Baran (T2-7H)
Attorney of Record
ALLERGAN, INC.
2525 Dupont Drive
Irvine, CA 92612
Telephone: 714/246-4669
Telecopier: 714/246-4249